

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLES OAKLEY,

Plaintiff,

-v-

MSG NETWORKS, INC., *et al.*,

Defendants.

No. 17-cv-6903 (RJS)
ORDER


RICHARD J. SULLIVAN, Circuit Judge:

Before the Court is a motion filed by defendants MSG Networks, Inc., Madison Square Garden Sports Corp., and Sphere Entertainment Group, LLC (collectively, “MSG”) seeking spoliation sanctions against plaintiff Charles Oakley and his counsel related to the loss of Oakley’s text messages. (*See* Doc. No. 253.) In the midst of briefing this motion, the parties received records from Oakley’s cell-service provider, AT&T. (*See* Doc. No. 272-1.) However, the parties dispute how to interpret these records, particularly with respect to how to determine the number of text messages that Oakley sent and received during the relevant time period. (*Compare* Doc. No. 294, *with* Doc. No. 305.) This information is relevant both to whether MSG has been prejudiced by the loss of the text messages, *see* Fed. R. Civ. P. 37(e)(1), as well as to Oakley’s credibility given his prior testimony regarding his texting habits (*see, e.g.*, Doc. No. 290-4 at 3). To resolve this factual dispute, the Court requires additional testimony. Accordingly, IT IS HEREBY ORDERED THAT the parties shall appear before the Court for a hearing on Friday, March 21, 2025 at 10:00 a.m. in Courtroom 21C of the Daniel Patrick Moynihan U.S. Courthouse, at which time the Court will hear testimony from Katherine Vask, John Goodwin, and any other witnesses that either party wishes to call from AT&T regarding how to interpret the AT&T records.

At the conclusion of the hearing, the parties should also be prepared to discuss Oakley's contemplated motion against MSG for spoliation sanctions related to MSG's loss of certain emails (*see* Doc. Nos. 252, 285, 321) and any other pending matters before the Court.

SO ORDERED.

Dated: February 21, 2025
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation